

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

MICHAEL GRASSI and CFOM, INC.,	)	
	)	
Plaintiffs-Counterclaim Defendants,	)	Case No. 1:18-cv-2619
	)	
v.	)	JUDGE PAMELA BARKER
	)	
	)	
JOHN GRASSI and ALOTECH LIMITED,	)	
	)	
LLC,	)	
	)	
Defendants-Counterclaimants.	)	

**DEFENDANTS-COUNTERCLAIMANTS' RESPONSE TO MOTION TO CONTINUE**

COME NOW Defendants-Counterclaimants John Grassi and Alotech Limited, LLC ("Alotech") (collectively, "Defendants"), by and through counsel, and submit this response to the Motion to Continue Trial filed by Plaintiffs-Counterclaim Defendants. *See* Dkt. 125.

Defendants are prepared for the retrial of this matter commencing on May 31, 2022, as directed by the Court. In connection with such preparations and the anticipated trial at the date earlier agreed by all parties, Defendants have undertaken significant efforts to coordinate and rearrange work and personal schedules. Members of the defense team are also dealing with their own personal and family issues and scheduling conflicts, as well as logistical issues relating to trial witnesses. Further, Defendants have incurred expense in connection with prearranged travel and lodging for parties, counsel, and witnesses for the agreed trial date. Defendants are substantively prejudiced by a continuance, in that witnesses currently willing and able to testify may not be available if the case is re-scheduled.

As such, and although Defendants and counsel sincerely sympathize with the circumstances articulated by Plaintiffs' counsel, Defendants do not consent to the motion to continue.

In the event a continuance is appropriate under these circumstances, Defendants request that the trial be reset at the earliest possible date that is convenient for the Court and Defendants. Defendants further request that, in the event a continuance is granted, Plaintiffs be directed to pay any nonrefundable third-party costs and expenses incurred by Defendants as a result of the cancellation of the existing trial date, with payment to be made prior to any retrial of this case.

Respectfully submitted, this 20<sup>th</sup> day of May, 2022.

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**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on this date, I electronically filed the foregoing **DEFENDANTS-COUNTERCLAIMANTS' RESPONSE TO MOTION TO CONTINUE TRIAL** via the Court's ECF system. I further certify that counsel of record for Plaintiffs is a registered ECF user and that service will be accomplished by the ECF system.

/s/ John M. Moya

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*Counsel for Defendants*